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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/688,171 | 10/17/2003 | Craig Bonsignore | CRD-5056 | 9527 |

27777 7590 12/03/2008

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| EXAMINER | |
|---|---|
| SONNETT, KATHLEEN C | |
| ART UNIT | PAPER NUMBER |
| 3731 | |

| MAIL DATE | DELIVERY MODE |
|---|---|
| 12/03/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/688,171 | BONSIGNORE, CRAIG | |
| | Examiner | Art Unit | |
| | KATHLEEN SONNETT | 3731 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *11 September 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *10-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *10-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/13/2008 has been entered.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 10-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Davila et al. (US 6,863,685; "Davila") in view of Anderson et al. (WO 03/022178; "Anderson"). Davila discloses an intraluminal medical device, which may be made of nitinol, having an unexpanded and expanded configuration comprising multiple tubular stent segments (108a-d), each tubular stent segment including a plurality of longitudinal struts, a plurality of loops connecting adjacent longitudinal struts, the plurality of longitudinal struts being connected on opposite ends by the loops to form a substantially S-shape configuration (fig. 1). One or more bridging elements (116) extend from one or more apeces of the plurality of hoops. Davila fails to disclose the following which is taught by Anderson.

4. Anderson teaches one or more bridging elements (34) extending from one or more apexes of the plurality of loops, the one or more bridging elements comprising a tapered narrow

section and a top section, the bridging elements being staggered on each stent segment such that the bridging element on one stent segment fits in the gap created by the tapered narrow section and anvil section of two bridging elements on an adjacent stent segment when the intraluminal medical device is in the unexpanded configuration and wherein when the intraluminal device in the expanded configuration, each stent segment is physically isolated from an adjacent stent segment (see last line of abstract and embodiment shown in fig. 11). The bottom portion of the bridging element (34) as seen in fig. 11 can be considered a tapered narrow portion compared to (34) at its widest part, bridging element (34) extending from the apex of a loop. The circular top does not form an anvil shape. However, Andersen et al. discloses that shapes of the bridging element (34) other than those disclosed in fig.11 can be used to form the interlocking connection between the stent segment bridging elements (34) (for example, see fig. 10). Furthermore, it would have been obvious to one skilled in the art to modify the shape of portion (34) to include an anvil portion since it has been held that a mere change in shape involves only routine skill in the art (*In re Dailey,* 357 F.2d 669, 149 USPQ 47 (CCPA 1996)). Anderson teaches that stents made from releasably interlocking stent segments are advantageous because of easier manufacturing, increased flexibility, and no shortening during expansion (p. 13, ll. 29-p. 14, ll. 15). It would have been obvious to one skilled in the art to have modified the device of Davila to include interlocking bridges coming off the loop apexes such as those taught by Anderson in place of the permanent bridging elements that come off the loop apexes so that it too would have the advantages discussed above. Each stent segment is an open structure with no closed cells.

5. Regarding claims 11 and 12, see col. 10, ll. 33-34 of Davila.

6. Regarding claims 13 and 14, Davila discloses that the device includes radiopaque markers at the stent ends. Davila further discloses that radiopaque markers ensure proper

positioning of the device within a lumen (col. 5, lines 9-11) and states that the markers may be positioned at other locations on the stent (col. 12 lines 52-53) and markers may be utilized to determine when and if a stent is fully deployed (col. 10, lines 64- 65). It would have been obvious to one of ordinary skill in the art to position the markers into the bridging elements in order to determine when and if each segment of the stent is fully deployed.

***Response to Arguments***

7. Applicant's arguments with respect to claims 10-14 have been considered but are moot in view of the new ground(s) of rejection. It is noted that Davila is now the base reference. When Davila is modified in view of Anderson as discussed in detail above to include releasably interlocking bridges, each stent segment is an open structure with no closed cells.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATHLEEN SONNETT whose telephone number is (571)272-5576. The examiner can normally be reached on 7:30-5:00, M-F, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on 571-272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KCS 11/25/2008

/Todd E Manahan/

Supervisory Patent Examiner, Art Unit 3731